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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,628	03/29/2004	Kazuhito Kishi	251025US2	9874
22850	7590	07/26/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			VARGAS, DIXOMARA	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/810,628	Applicant(s) KISHI ET AL	
	Examiner Dixomara Vargas	Art Unit 2859	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/09/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 08/09/04 and 05/04/05 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered. The IDS submitted to disclose the related applications is improper because it should be submitted in the form PTO1449.
2. The information disclosure statement filed 08/09/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

*Drawings*

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 86. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: S11, S12, S13, S21, S22. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5, 7-12, 14 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Soulier (US 6,393,233 B1).

With respect to claims 1, 10 and 19, Soulier discloses an apparatus for fusing toner with a sheet, comprising (Figures 1 and 2): an electricity storage device (computer #74 having memory means accessible by the power management circuitry for storing a set of predetermined criteria and priorities for selectively redirecting electrical power); heating unit configured to generate heat based on electric power supplied (#70) from said electricity storage device (Column 5, lines 1-25); fusing member configured to fuse the toner (Figure 2, #44) with the sheet through heat applied said heating unit (Column 5, lines 1-25); and a control unit which changes a rated power of said heating unit (#66 and #68).

8. With respect to claims 2 and 11, Soulier discloses said heating unit includes a plurality of heating units, and said control unit provides first couplings between said heating units and said

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electricity storage device in a first operation mode and second couplings between said heating units and said electricity storage device in second operation mode (Column 5, lines 1-25).

9. With respect to claims 3, 9, 12 and 18, Soulier discloses the first operation mode corresponds to a time period when said fusing member is heated from a temperature with no heat applied by said heating unit to a temperature suitable for fusing the toner, and the second operation mode corresponds to a time period when heat is deprived from said fusing member by the sheet (Column 5, lines 1-25).

10. With respect to claims 5 and 14, Soulier discloses all said heating units receive the electric power the first operation mode, and at least one but not all of said heating units receives electric power in the second operation mode (Column 5, lines 1-25).

11. With respect to claims 7, 8, 16 and 17, see rejection of claims 1 and 2 above.

***Claim Rejections - 35 USC § 103***

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soulier (US 6,393,233 B1) in view of Matsuura et al. (US 5,229,577 A).

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With respect to claims 4 and 13, Soulier discloses the claimed invention as stated above in paragraph # except for said heating units are connected in parallel in the first operation mode, and are connected in series the second operation mode. However, Matsuura discloses heating units are connected in parallel in the first operation mode, and are connected in series the second operation mode (Column 3, lines 25-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have heating units are connected in parallel in the first operation mode, and are connected in series the second operation mode as taught by Matsuura with Soulier's apparatus for fusing toner with a sheet for the purpose of having an image forming apparatus that can cope with the power voltage difference without changing the input voltage as shown by Matsuura (Column 3, lines 25-56).

14. Claim 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soulier (US 6,393,233 B1) in view of Mitsuya et al. (US 4,992,923).

With respect to claims 6 and 15, Soulier discloses the claimed invention as stated above in paragraph # except for said electricity storage device being a capacitor. However, Mitsuya discloses a capacitor (#2) in the circuitry for the power control and power supply. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Mitsuya's capacitor with Soulier's apparatus for fusing toner with a sheet for the purpose of storing electricity as taught by Mitsuya (Column 3, lines 8-47).

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*Conclusion*


15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional prior art cited in the PTO 892 discloses image forming systems with heating rollers or heating means to apply the toner to the sheet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dixomara Vargas whose telephone number is (571) 272-2252. The examiner can normally be reached on Monday to Thursday from 8:00 am. to 4:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dixomara Vargas  
Art Unit 2859  
July 10, 2005

  
7.11.05  
fr Diego Gutierrez  
Supervisory Patent Examiner  
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